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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,649

02/20/2004

Geoffrey N. Holland

7135USO4

7346

41155 7590 06/30/2008

BRIAN R. WOODWORTH

275 N. FIELD DRIVE

DEPT. NLEG BLDG H-1

LAKE FOREST, IL 60045-2579

EXAMINER

RINES, ROBERT D

ART UNIT

PAPER NUMBER

3626

MAIL DATE

DELIVERY MODE

06/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/783,649	Applicant(s) HOLLAND ET AL.	
	Examiner R. DAVID RINES	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/29/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

[1] This communication is in response to the patent application filed 2/20/08. It is noted that this application benefits from Provisional Patent Application Serial Nos. 60/509404 and 60/527583 filed 10/7/03 and 12/05/03 respectively. The Information Disclosure Statement filed 8/29/05 been entered and considered. Claims 1-12 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engleson et al. (United States Patent #7,117,041) in view of Eggers et al. (United States Patent Application Publication #2006/0106649) and further in view of Bourget (United States Patent #6,647,299)..

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As per claim 1, Engleson et al. disclose a medication management system, for use with an electronic network having one or more access nodes, the medication management system comprising: a medication management unit adapted for electronic communication with the electronic network, the medication management unit having a processing unit and a storage medium coupled to the processing unit (Engleson et al.; col. 14, lines 5-25 *see bedside CPU/medication management module); a medical device adapted for electronic communication with the electronic network and the medication management unit through use of one of the access nodes, the medical device having a processor and a memory coupled to the processor (Engleson et al.; col. 14, lines 5-46); wherein at least one of the medical device memory and the medication management unit storage medium contains programming code to determine the physical location of a medical device (Engleson et al.; col. 10, lines 45-61); and a user access device adapted for electronic communication with the medication management unit, the user access device displays the physical location of a medical device base on the report from the medication management unit (Engleson et al.; col. 10, lines 55-60).

Engleson et al. does not explicitly recite the use of the device access point to the network to determine location.

However, it is well-known in the art to utilize the access point of a device to the network to determine the location of the device. Accordingly, Eggers discloses a system wherein the location is based on which one of the access nodes was last used by the medical device and to

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report the last used access node to the medication management unit (Eggers et al; paragraphs [0056]-[0058] determines device location by connection to the network);

Neither Engleson et al. nor Eggers et al. disclose an audio alarm to pinpoint the device.

However, it is well known in the art to employ an audio signal or alarm to assist in locating a medical device, as evidenced by Bourget (Bourget; col. 3, lines 45-55). Specifically, Bourget employs an audio alarm to locate a medical device during telemetric transfer of data (Bourget; col. 3, lines 45-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Engleson et al. with those of Eggers et al. and with those of Bourget. The combined teachings would have provided a system-enabled method of tracking and monitoring hospital clinical devices (Engleson et al.; col. 10, lines 45-61). Additionally, one of ordinary skill would have reasonably employed known network-based technologies to assist in determining the location of each device as a result of their respective connection points to the network (Egger et al.; paragraphs [0056]-[0059]). Lastly, such a combined system would have employed other well-known locating techniques such as audio to assist in locating the device (Bourget; col. 3, lines 45-55). The motivation to combine the teachings would have been to optimize device distribution (Eggers et al.; paragraph [0058]) and to optimize the programming link between an external programming unit and patient medical device (Bourget; col. 1, lines 7-12).

As per claim 2, Engleson et al. disclose a system wherein the user access device requests a report of the physical location of a medical device from the medication management unit (Engleson et al.; col. 10, lines 45-60).

As per claim 3, Eggers discloses a system wherein the medication management unit contains the programming code and provides the report of the last used access node when the medication management unit receives a request for a report of the physical location from the user access device (Eggers et al; paragraphs [0056]-[0058] determines device location by connection to the network).

As per claim 4, Eggers et al. disclose a system wherein the medical device contains the programming code and reports the last used access node to the medication management unit when the medical device receives a request for a report of the last used access node from the medication management unit (Eggers et al; paragraphs [0056]-[0058] determines device location by connection to the network).

1083 - (10/783,649) 5, Eggers et al disclose a system wherein the medical device contains the programming code and periodically determines the last used access node (Eggers et al; paragraphs [0056]-[0058] determines device location by connection to the network).

As per claim 6, Eggers et al. disclose a system wherein the medical device contains the

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programming code and periodically reports the last used access node to the medication management unit (Eggers et al; paragraphs [0056]-[0058]).

As per claim 7, Eggers et al. disclose a system wherein the medication management unit contains the programming code and periodically determines the physical location of the medical device based on the last access node used by the medical device (Eggers et al; paragraphs [0056]-[0058] determines device location by connection to the network).

As per claim 8, Engleson et al. disclose a system wherein the medication management unit contains the programming code and periodically reports the physical location of the medical device to the user access device (Engleson et al.; col. 9, lines 58-67, col. 10, lines 45-61, col. 11, lines 1-14).

As per claim 9, Engleson et al. disclose a system wherein the user access device is remotely located from the medication management unit (Engleson et al.; col. 9, lines 58-67, col. 10, lines 45-61, col. 11, lines 1-14 *see access via network CPU's).

As per claim 10, Engleson et al. disclose a system wherein the user access device comprises a computer located in a biomedical technician area (Engleson et al.; col. 10, lines 55-61 *see "bursing CPU").

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As per claim 11, Eggers et al. disclose a system wherein the user access device comprises a PDA (Eggers et al.; paragraphs [0025] [0056]).

As per claim 12, Eggers et al. disclose a method for tracking a medical device connectable with an electronic network having one or more access nodes, comprising: determining the last access node used by a medical device and reporting the last used access node to a medication management unit (Eggers et al; paragraphs [0056]-[0058]); determining the physical location of a medical device based on the last access node used by the medical device as reported at the medication management unit (Eggers et al; paragraphs [0056]-[0058]).

Eggers et al. fail to explicitly recite the production of a report or displaying the device locations.

However, Engleson et al. disclose displaying the physical location of a medical device at a user access device, based on a report from the medication management unit (Engleson et al. col. 10, lines 45-67, col. 11, lines 1-14).

Neither Engleson et al. nor Eggers et al. disclose an audio alarm to pinpoint the device.

However, it is well known in the art to employ an audio signal or alarm to assist in locating a medical device, as evidenced by Bourget (Bourget; col. 3, lines 45-55). Specifically, Bourget employs an audio alarm to locate a medical device during telemetric transfer of data (Bourget; col. 3, lines 45-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Engleson et al. with those of Eggers et al. and with those of Bourget. The combined teachings would have provided a system-enabled method of tracking and monitoring hospital clinical devices (Engleson et al.; col. 10, lines 45-61). Additionally, one of ordinary skill would have reasonably employed known network-based technologies to assist in determining the location of each device as a result of their respective connection points to the network (Egger et al.; paragraphs [0056]-[0059]). Lastly, such a combined system would have employed other well-known locating techniques such as audio to assist in locating the device (Bourget; col. 3, lines 45-55). The motivation to combine the teachings would have been to optimize device distribution (Eggers et al.; paragraph [0058]) and to optimize the programming link between an external programming unit and patient medical device (Bourget; col. 1, lines 7-12).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. DAVID RINES whose telephone number is (571)272-5585. The examiner can normally be reached on 8:30am - 5:00pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Luke Gilligan can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. DAVID RINES/
Examiner, Art Unit 3626
6/23/08
/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit 3691